

Richard Harkins et al.
Serial No. 10/616,279
Filed: July 8, 2003
Page 4

RECEIVED
CENTRAL FAX CENTER
JUL 10 2007

REMARKS

In view of the meeting on June 21, 2007 between Applicants' undersigned representative and Examiners Gerard Ewoldt and Michael Szperka, Applicants respectfully request reconsideration of the Supplemental Amendment and the remarks herein.

Claim 24-29, 31-41 and 44-53 were pending but only claims 35, 47, 48, 50 and 51 were being examined. Herein, Applicants have cancelled withdrawn claims 24-29, 31-34, 36-41, 44-46, 49, 52 and 53 without prejudice. Accordingly, only claims 35, 47, 48, 50 and 51 are being examined.

Support for the amended specification and drawings can be found in the specification as originally filed and in the priority applications. Accordingly, these changes do not involve new matter and their entry is respectfully requested.

Support for amended claim 51 may be found in the specification as originally filed at page 30, lines 22-38 and page 31, lines 1-5.

Entry of these amendments and the foregoing remarks in the file of the above-captioned patent application is respectfully requested.

ITEM 1: STATUS OF CLAIMS

At page 2 of the Office Action, the Office acknowledged Applicants' amendment filed on November 20, 2006, and confirmed that claims 1-23, 30, 42 and 43 were cancelled, claim 35 was amended, claims 47-53 were added, claims 24-29, 31-41 and 44-53 were pending and claims 24-29, 31-34, 36-41 and 44-46 stand withdrawn. Further, the Office withdrew claims 49, 52 and 53 alleging that these claims were part of Group III, which were

Richard Harkins et al.
Serial No. 10/616,279
Filed: July 8, 2003
Page 5

RECEIVED
CENTRAL FAX CENTER
JUL 10 2007

directed to methods of treating diseases in vivo. Accordingly, claims 35, 47, 48, 50 and 51 are under examination.

ITEMS 2-4: DOUBLE PATENTING

At pages 2-4 of the Office Action, the Office has maintained provisional rejection of claims 35, 47, 48, 50 and 51 as allegedly unpatentable over:

- (A) claim 26 of the copending application U.S. Serial No. 10/624,884, and
- (B) claim 26 of the copending application U.S. Serial No. 10/895,183.

Applicants respectfully disagree.

In response, Applicants respectfully point out that the withdrawn claim 26 of the copending application U.S. Serial No. 10/624,884 will be cancelled without prejudice in response to the Office Action dated December 11, 2006. Further, the withdrawn claim 26 of the copending application U.S. Serial No. 10/895,183 will be cancelled without prejudice in response to the Office Action dated January 25, 2007.

Accordingly, Applicants respectfully request that the Office withdraw the rejection.

ITEMS 5-8: REJECTION UNDER 35 U.S.C. §112 FIRST PARAGRAPH

At pages 4-5 of the Office Action, the Office has withdrawn rejection of claim 35 under 35 U.S.C. §112, first paragraph in view of Applicants amendments of November 20, 2006. However, the Office alleges that the Applicants' amendments on November 20, 2006 have raised a new issue. Specifically, the Office has rejected claim 51 under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement.

Richard Harkins et al.
Serial No. 10/616,279
Filed: July 8, 2003
Page 6

RECEIVED
CENTRAL FAX CENTER
JUL 10 2007

Applicants respectfully disagree. However in the interest of furthering prosecution of the instant application, Applicants have amended claim 51 by deleting reference to ^{47}Sc , ^{48}Sc , ^{72}Ga , ^{73}Ga , ^{67}Cu , ^{109}Pd , ^{11}Ag , ^{149}Pm , ^{153}Sm , ^{166}Ho , ^{177}Lu , ^{186}Re , ^{188}Re , ^{211}At , ^{211}Bi , ^{212}Bi , ^{213}Bi and ^{214}Bi .

Accordingly, Applicants respectfully request that the Office withdraw the rejection.

CONCLUSION

Applicants believe that all grounds for rejection of the claims have been overcome and that the claims pending are now in condition for allowance. Withdrawal of the Patent Office's rejections is requested and prompt allowance of the claims is solicited. If any issues remain in connection with the claim, the Examiner is encouraged to contact the undersigned by telephone to discuss the same.

No fee is deemed necessary in connection with the filing of this Amendment. If any fee is necessary, the Patent Office is authorized to charge any additional fee to Deposit Account No. 50-0306.

Respectfully submitted,



Sarah B. Adriano
Registration No. 34,470
SaraLynn Mandel
Registration No. 31,853
Mandel & Adriano
55 S. Lake Avenue, Suite 710
Pasadena, CA 91101
(626) 395-7801
Customer No. 26,941